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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,572	06/11/2001	James D. O'Brien JR.	12128-062001	3299
26161	7590	12/28/2005		
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER LEE, CHI HO A	
			ART UNIT 2663	PAPER NUMBER

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/878,572

Applicant(s)

O'BRIEN ET AL.

Examiner

Andrew Lee

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Grabelsky et al U.S. Patent Number 6,766,377.

Re Claim 1, fig. 1 teaches a network that perform VOIP routing, including a Gateway media proxy (selected media proxy) for forcing packets carrying media in a VOIP call through a plurality of Media Gateways 104-120 (managed network elements) wherein each Media Gateway is selected using the destination address (IP address) associated with the signaling message (See col. 4, lines 1-46).

Re Claim 2, refer to Claim 1, wherein the packet is originated in an VOIP network endpoint, i.e., Media Gateway 104.

Re Claims 4, 10, refer to Claim 1, wherein the Media Gateway 116 receive packetized call signaling information from originating Media Gateway 104 (VOIP network endpoint).

Re Claims 5-7, refer to Claim 4. wherein the Proxy 115 (call signaling proxy) performs the relaying of the call signaling information to the selected Media Gateway

(a destination VOIP destination end-point).

Re Claim 8, refer to Claim 5, wherein the Proxy 115 replace IP address for the received signaling message from the Media Gateway Controller 110 with Media Gateway address associated destination address in the manage network.

Re Claims 9, 13, 14, refer to Claim 8, wherein the address translation is performed in the Proxy 115 (NAT), wherein the NAT function hides the addresses.

Re Claims 11, 12, refer to Claim 1, wherein the Proxy 115 includes a table with a list of virtual IP addresses associated the media endpoints, gateways and media proxy (See col. 6, lines 13 +).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 19, 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grabelsky et al U.S. Patent Number 6,766,377.

Re Claim 3, Grabelsky fails to explicitly teach that packet comply RTP. One skilled in the art would have motivated to comply any known media standard and this includes RTP. Therefore, it would have been obvious to one ordinary skilled to modify the packet in accordance with the known RTP standard.

Re Claims 19, 22, 23-25, refer to Claims 1 and 3 above.

Re Claims 20, 21, refer to Claim 11.

Re Claims 26, 27, refer to Claim 9.

5. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grabelsky et al U.S. Patent Number 6,766,377 in view of Fitzgerald U.S. Patent Number 6,973,042.

Re Claims 15-18, Grabelsky fails to explicitly teach the selecting "call signaling and media proxy servers" that provide a predetermined QoS. However, Fitzgerald teaches determining the QoS by looping back from different routers (See abstract and fig. 1). One skilled in the art would have motivated by Fitzgerald to select the router (call signaling and media proxy server) with a predetermined QoS parameter maintain reliable service. Therefore, it would have been obvious to one ordinary skilled to combine the teaching of Fitzgerald into the teaching of Grabelsky.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent Number 6,922,786 teaches NAT function in a controller.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AI  
12/21/05

  
**ANDREW C. LEE**  
**PRIMARY PATENT EXAMINER**